IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 6330 OF 2000

1. Jitendra R,. Gadre,)
2. Sunil Kumar Garasang)
3. I.G.Stainley Sam)
4. Sudhir S. Shahapure)
5. Jibu K. Itty)
6. Nitin M.Chincholkar)
7. R. Padmakumar Nair)
8. Tanaji N. Chavan)
9. Cherian Abraham)
10. Ravi Ranjan)
11. Arjunkumar Singh) ..... Petitioners.

versus

1. Jawaharlal Nehru port Trust)
2. Kishore G. Apte)
3. M.F.Ahire)
4. Ashok V. Jagtap)..... Respondents.

.....

Shri R.S. Jaisinghani i/b. Ms. Kalpita R.Sane for the petitioners.

Shri C.U.Singh, Leon Samuel, Asif Lampwala, U.B. Pinge i/b. M/s. Advani & Co. for Respondent no.1.

Shri Jose George for Respondent no.4.

.....

CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 28TH FEBRUARY 2005.

P.C.;

1. By this petition, the petitioners seek the following prayers:

a) That this Honourable court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ order or direction, directing respondent nos.1 to 3 to:

i) Forthwith revoke and/or cancel the corrigendum dated 10-10-2000 and the order of promotion of respondent no.4 dated 7-11-2000;

ii) Not to act upon the corrigendum dated 10-10-2000 (Exhibit 'I' hereto).

iii) Maintain the seniority of the petitioners and respondent no.4 in accordance with the draft seniority list issued on 4-10-2000 (Exhibit 'H' hereto):

(b) That pending the hearing and final disposal of the present writ petition, respondent nos.1 to 3 be restrained by an order of injunction from giving effect to the corrigendum dated 10-10-2000 and the order of

promotion of respondent no.4 dated 7-11-2000.

(c) For ad-interim reliefs in terms of prayer clause (b) above:

(d) Costs of this writ petition be provided for:

(e) Such other and further orders as this Honourable court may deem fit and proper in the facts and circumstances of the case.

2. According to the petitioners, the corrigendum issued on 10-10-2000 was wrong as the training period of respondent no.4 was liable to be considered as two years as was ordered earlier. From perusal of the paper book of this case, it is obvious that the corrigendum has been issued to a draft seniority list, which though acted upon is not yet finalised. Objections were raised to the issuance of corrigendum by the petitioners and other similarly situated. Those objections also have not been decided nor is there any final seniorioty list duly published by the respondent JNPT.

3. Shri C.U. Singh the learned counsel appearing for the JNPT submits that the trust is ready and willing to treat the draft seniority list as a draft and will hear the petitioners and other similarly situated employees in relation to finalysing of that draft list. In so doing they will be given adequate opportunity to make their grievances before the trust in relation to submision of the draft seniority list and then the trust will pass appropriate orders including direction of publication of final seniority list.

4. In our opinion, this will give adequate opportunity to the petitioners as also the respondents to put forth their grievances before JNPT. One of the grievance made by the petitioner is the promotion given to respondent no.4 and regarding one year training, which would be given to the petitioner also. But factually the appointment was for two years training. It shall be open for the petitioner and others to agitate all those grievances before JNPT during the hearing which the authorities will grant for the purposes of finalysing the seniority list, draft of which was issued on 4-10-2000. In our opinion, interest of justice would be met if all possible grievances, which are existing or which may arise because of the draft nature of the seniority list, can be conveneiently

decided by the competent authority. We therefore direct the respondent JNPT to take up consideration of the draft seniority list dated 4-10-2000 and issuance of the corrigendum dated 10-10-2000, about which the petitioners and respondents as also other similarly situated persons had grievances and also the contents of this petition and then by appropriate reasoned order finalyse the seniority list with consequential action taken. This exercise be completed as far as possible within six months or in any case within one year.

5. The petition accordingly disposed of in the light of the observation made above.

****